

**HAROLD M. JAFFE, ESQ.**

CASB #57397

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Attorney for Defendants JOHN SRAMEK and BERNADETTE SRAMEK, individually and as Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust and Harold M. Jaffe, In Pro Per

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALISE MALIKYAR,

CASE NO. C07-03533 JCS

Plaintiff,

**DEFENDANTS' NOTICE OF MOTION AND  
MOTION FOR SUMMARY JUDGMENT WITH  
PROOF OF SERVICE**

vs.

**DATE:** November 8, 2007  
**TIME:** 8:00 a.m.  
**CTRM:** 9 - Hon. William Alsup

JOHN SRAMEK, BERNADETTE SRAMEK,  
HAROLD M. JAFFE, John S. Sramek, Jr. and  
Bernadette D. Sramek Revocable Living  
Trust, and DOES 1 - 100,

Defendants.

**TO ALISE MALIKYAR, IN PRO PER:**

**PLEASE TAKE NOTICE** that on November 8, 2007, at 8:00 a.m., or as soon thereafter as the matter may be heard, at U.S. Courthouse, located at 450 Golden Gate Avenue, San Francisco, California, Courtroom 9, defendants JOHN SRAMEK, BERNADETTE SRAMEK, HAROLD M. JAFFE, and John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust (the "Defendants"), will and hereby do move, for summary judgment on the ground that there is no genuine issue as to any material fact and that the moving parties are entitled to judgment as a matter of law for the reason that the named plaintiff is not the real party in interest, and therefore, lacks standing to bring the instant action.

This motion is based on this Notice, the Memorandum of Points and Authorities, the Request for Judicial Notice, and the Declaration of Harold M. Jaffe, served and filed herewith, the

1 papers and records on file herein, and on such oral and documentary evidence as may be  
2 presented at the hearing on this motion.

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5 DATED: October 4, 2007

6 HAROLD M. JAFFE, ESQ., Attorney for Defendants  
7 JOHN SRAMEK and BERNADETTE SRAMEK,  
8 individually and as Trustees of the John S. Sramek,  
9 Jr. and Bernadette D. Sramek Revocable Living Trust  
10 and Harold M. Jaffe, In Pro Per  
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**PROOF OF SERVICE****In re USDC for the Northern District of Calif., Case No. C07-03533 WHA**

I am a citizen of the United States, employed in the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 3521 Grand Avenue, Oakland, CA 94610.

On the date herein below stated, I served the within document(s):

**~NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT;  
 ~MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT;  
 ~DECLARATION OF HAROLD M. JAFFE IN SUPPORT;  
 ~REQUEST FOR JUDICIAL NOTICE**

\_\_\_\_\_ by facsimile transmission on said date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), facsimile number (510) 452-9125. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is in sender's file. The names and facsimile numbers of the person(s) served are as set forth below.

**XX** by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage prepaid for deposit in the United States mail at Oakland, California, pursuant to CCP §§1013a(3), addressed as set forth below.

\_\_\_\_\_ by depositing in a box or similar facility maintained by: ☐ United Parcel Service; ☐ Federal Express; ☐ DHL Worldwide Express; an express mail service carrier, in an envelope designated by said express service carrier, with delivery fees paid or provided for, pursuant to CCP §1013(c), addressed as set forth below.

\_\_\_\_\_ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

Alise Malikyar  
 2324 Tice Valley Blvd.  
 Walnut Creek, CA 94595  
 T: (925) 890-8619  
 F: (407) 209-2126

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on October 4, 2007, at Oakland, California.

\_\_\_\_\_  
 BEVERLY BAKER